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Tending 'the Grow'

Marijuana at a crossroads.

By Michael Polson

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In the warm, luminescent glow of the dust encrusted light fixture, the carpeted and dank hallway disappears into unvacuumed recesses. Darren grabs an unobtrusive handle along the wall's flimsy wood paneling, pulls, and

a crack of light pierces the gloom. Pushing aside a black screen of Hefty bags intended to block light and trap heat, he reveals his miniature grow closet. A heavy, supple branch tumbles out. It brushes my hand, leaving a telltale streak of sticky, stinky moistness. The resin goes away with a bit of water. The smell stays.

A ventilator and wooden door couldn't dilute the pungent odor of the maturing female plants. When I point this out, Darren offers me only a mischievous smile. He's proud of this little closet-conversion. Six plants in all, two to a shelf, a 150-watt lamp substituting for sunlight in this hallway cupboard. "You can hide it no problem, but the smell is crazy. Next week my whole house is going to reek! Clipping and all that," he tells me. Ten days away from "pulling" the plants, Darren's "babies" are reaching their most odorous phase.

On this trip, Darren is very ill, a result of his 24-year battle with HIV and his many years as a homeless addict. But he meets with me anyway. He closes the cupboard and I follow the trailing ties of his plaid terrycloth bathrobe to his bedroom where he unceremoniously plops himself on a frameless mattress.

Darren possesses a medical marijuana care receiver ID card, a designation established by California voters in the 1996 Proposition 215, the "Compassionate Use Act", and its updated correlative, Senate Bill 420. "I want to be able to grow enough. I want to be able to do that for my sick friends. I have an obligation," Darren explains, making sure I know his intentions for growing weed. A religious man and a veteran, Darren is not keen on being perceived as a criminal or a profiteer. His medical marijuana prescription had expired 9 months before, but he hadn't been able to afford its replacement, rendering illegal his plants, stash and herbal gifts to another HIV-positive friend who had just suffered an aneurysm.

Of course, even with a prescription, it is all technically illegal because he lives in HUD-supported (read: federally governed) housing. Despite Attorney General Eric Holder's October 19 memorandum

backing away from prosecuting medical marijuana in states that have legalized it, drug possession on "federal property" remains a felony and a basis to render Darren homeless again, excluding him from state and federal benefits for life.

"I have to sell my pain meds to get marijuana--my other medicine," he says. "I run short of pain meds every month. I freak out the last few days. Go buy from somebody else with the money I made from selling my meds before. Vicious circle."

It is vicious. Temper tantrums, green skin, hyperactivity or complete incapacitation. The pain meds allow him to get out of bed; the pot allows him to not vomit the meds and all his food. The monthly shuffle usually ends in fraught negotiations with friends for advances and loans, intensified by chronic and piercing pain.

The grow in his house allows him some room to maneuver. Noe, his cousin, set it up in return for a couch and sheets after she fled a dicey situation in Flint, Mich. "Do you know anybody that does identity changes?" he asks, suggesting Noe was actively melting, like so many before, into the haven of California's marijuana hills. Her experience growing hydroponic indoor pot for years in Flint, in factories long since abandoned, would come in handy. Changing the subject, he wrestles his dog into his lap, hugging and petting him with a heavy but careful hand.

Nursing a pipe and becoming more glassy-eyed by the moment, Darren compares Flint, which he describes as a "war zone" of burnt-out houses, to this town in Northern California's mythical "Emerald Triangle" of marijuana production. "Here I leave my car unlocked, my house unlocked. Noe goes from that to here!" He sighs, then tells me about "here": the robberies he experienced living under a bridge, his homeless nephew, a meth-addicted friend, his constant worry. "It's present, always. You'd think after two years I'd be pretty secure here." But safety is not security. From mining to timber, housing to budget cuts, one economic hemorrhage after another has made insecurity and poverty a seeping reality.

As Darren and I move to the living room, he hands me a Pepsi and pops fish sticks in the oven. The room is populated by lingering Christmas tinsel, a lone swivel chair, a rug musty with spilled drinks and dog hair, and large windows shedding sun on a dusty television. Darren lights up, and a cloud billows from his mouth. "I don't know how I do it, but I manage every day. The point is to move to the next day and get through this one. If I keep doing that, life is good. For all that, I'm blessed." As he speaks, the last of the smoke exits his lungs and the haze in the room dissipates in the thin northern California sun.

Sniffing out the industry

Smell is elusive. It lingers, its creeping whiff suggests matter not seen, even as its pervasiveness indicts everyone in its bloom. To law enforcement, smell is often the most telling indicator of the presence of weed, but to most residents here in the "Emerald Triangle," the drifting smell of marijuana is as remarkable as winter's rain or summer's tourist traffic. As I dine with one marijuana "clipper," the waitress walks over with her pad, double takes, and says a bit too loudly, "I could get high just standing here and sniffing." Outside the local honky-tonk, at bus stops, at the town square, in the cars of growers, at the front door of houses tucked into the shadowy recesses of the redwood gloom, the smell of this estimated \$36 billion national industry--by some estimates the largest cash crop in America--permeates the area.

Stay in any town in Northern California long enough and the industry's trail isn't hard to catch. Social

networks of production and distribution fill in the gaps left by a failed formal economy. Darren's cousin Noe, plugging into a Great Lakes export and distribution circuit, gathered multiple investors comprised of unemployed friends, contract workers, and welfare recipients to set up her own indoor grow. Banking on NorCal's valued *terroir*, California product is prized: One study puts California fourth in pot exports, far behind Hawaii and close to the East Coast supply states of Tennessee and Kentucky. Californians export about 3 pounds for every pound they smoke. While major trafficking occurs, significant portions are distributed via migrant "trimming" workers--runaways, day laborers, jobless felons, college students--paid in bud.

In all, there are an estimated 1 to 3 million growers in the United States, with 100,000 to 200,000 commercial growers, according to Eric Schlosser, author of *Reefer Madness*. These figures don't include those involved in clipping, dealing, tending and guarding, nor the scores of real-estate agents, carpenters, diggers, electricians and investors. These networks overlay each other, providing an alternate safety net in a state that has been in an almost continual budget-cutting crisis since the dot-com and technology bust in 2001.

With this dynamic throughout Northern California, marijuana has produced a counter-cyclical economy that thrives upon personal connections, social networks and cash embraces. One young couple I met provides rides in their van, a couch to crash on, and communal meals in return for "gifted" pot. Selling the drug pays their rent, food, and costs for their newborn. In the town of Arcata in Humboldt County, despite the foreclosure crisis, there is a housing shortage as an estimated 1,000 of 7,500 homes are repurposed for growing, causing a stink among community activists. In the rainy season, when San Francisco's northbound wine and luxury tourists slow to a trickle, the cash economy steams ahead. It's easy to get stuck in line at Home Depot, Wal-Mart and local hardware stores in the area, as people lay out stacks of \$100 bills for dehumidifiers and mosquito and gnat killers. This is a cash economy and, fortunately for growers, "money has no smell," as anthropologist Paul Stoller has noted.

Sociologists Katherine Beckett and Bruce Western argue that poor populations, thrust out of the formal economy and into illegal markets, are now "managed" not by welfare but by prisons and police. Media stories reducing marijuana to a wink-wink, nudge-nudge joke about silly stoners and latter-day hippies miss the realities of criminalization and incarceration. Nationwide, in 2008, 847,863 people were arrested for marijuana-related charges; 55 percent of federal prisoners are nonviolent drug offenders; and 1 in 45 Americans are parolees and subject to heightened searches, seizures and re-arrests. Since 1991, marijuana arrests have increased 150 percent, with males aged 15 to 19 bearing rates eight times above average and African Americans experiencing 300 percent higher arrests than whites, despite having only 25 percent higher reported rates of use. Because of intensive policing in poor communities of color, weed is sold in smaller amounts, thus jacking up unit prices and pumping more money into the illicit economy at the expense of already-impooverished communities.

While California marijuana arrests decreased after Prop 215, in 2005 arrests rose again, resulting in the largest increase since decriminalization in 1976. This mirrors a spike in plant seizures: since 2007, California has seized more plants than in the previous 24 years combined. While misdemeanor arrests, which comprise the majority of cases, are increasing, felony arrests for sales or cultivation surged 19 percent to the highest absolute level seen since 1990, according to California's Criminal Justice Statistic Center. These rising amounts of arrests for production and distribution suggest something more than a consumption-based crackdown. They reveal the tumult and contradictions of an entire economy in transition.

The growers

Patrick moves a ledger and a hands-free set--his mobile office--off the passenger seat and motions for me to hop in. A scentless duffel bag full of vacuum-sealed cannabis sits in the back--the next delivery to a San Francisco hospice. We drive to a state park in Lake County, reach a hilltop, leave the "office" and settle on a picnic table, surveying a 270-degree view of the coastal forest below. A prominent grower, Patrick's star is rising in the medical marijuana world. His "purple," a strain of sativa marijuana named for its purple hue, is popular not only for its strength but for its easy brand recognition.

With three indoor grows and a dispensary on the way, Patrick makes good money. Since the inauguration of Reagan's Just Say No campaign, during which federal anti-narcotic spending rose 1,300 percent, growers in California have been taking their operations indoors to avoid detection. Patrick has benefited from learning hydroponic growing techniques from friends in his Midwest hometown. The result? Higher potency, increased cycles per year, more yield per plant, and more profit.

Under Prop 15's ambiguous legal wording, he gets a "reasonable rate of remuneration." "It's a black market and we take a lot more risks than anyone else," Patrick says. "It's fair that we get paid for that risk." It's this risk, even for "legal" growers, that makes pot profitable. Labor and materials are relatively incidental costs, but insurance and transporting the product to market cost much more. State raids and vigilante violence effectively serve as negative subsidies to the industry.

Patrick is a "caregiver," certified to grow for a care receiver (like Darren), who authorizes him as supplier. Every week he gives a free half-ounce to nearly a dozen patients, the majority of whom are low-income African Americans and Latinos in a San Francisco hospice. And, going a step beyond his legal responsibility, he pays for all of his patients' care-receiver ID cards and updated prescriptions.

Following uneven regulations is a challenge. Patrick is legal when he gives pot to care receivers, but illegal when he sells to medical dispensaries. Dispensaries are legal according to local and state officials, but not to San Francisco's U.S. Attorney, who argues that they are "commercial enterprises," under language in Holder's memorandum. Patrick's care receivers are legal when their prescriptions are updated but not if they live in subsidized housing. When Patrick's workers transport two pounds of pot to San Francisco, they become legal and illegal several times as they cross county lines. Who's "legal" depends upon who stands in what relationship to which law in what place.

As the state slouches toward uniform and clear laws, those in the medical marijuana industry remain subject to the whims of individual judges, prosecutors, politicians, and law enforcement officials. One medical grower, who has watched numerous medical marijuana acquaintances get busted, argues that Holder's memo means little without uniform legalization. "It just depends," he says, "like most things, on who you know: the cushion, the protection you have locally. Otherwise, you're on your own."

Patrick is a man with a hearty handshake and direct eye-contact that could seal any deal. As a figure in a pioneering industry, he fits into a long line of local business people who represent a moral, paternal capitalism set against the ravages of "big capital." Expecting to get a stock answer, I inquire about legalization. He smiles wryly, and says, "Most of us aren't farmers. 99.9 percent of us would be put out of business. This is a cottage industry. Money is more spread out now than it would be otherwise. How many tobacco growers or oil companies are there these days? A couple major ones and that's it." He tells me that in the end, much of the industry is run by "the same people that run most businesses in the U.S.: old white guys."

Tending the garden

It's not, however, old white guys that work the farms. For Ricardo, a day laborer periodically hired from the local Latino labor pool by one grower to do work on a farm, \$20 an hour is a solid wage. While he has never tended marijuana, he has done landscaping and set-up. Based on the backwoods locations, funny smells emanating from barns and elevated hourly earnings, his employer's profession is no mystery.

An undocumented immigrant from Guatemala, he works most of the year between odd day-labor jobs, and lives in a house with eight other undocumented workers. He sends most of his wages home to Guatemala, a country where remittances total more than exports and tourism combined. While he used to return home in the winter when work was slow, tightening borders and increased protection costs have made it impractical and dangerous. Instead, he often finds himself working for growers.

Recent reports suggest that it is men like Ricardo who are picked up by absentee growers and dropped off in state-owned land with supplies and a gun to "tend" garden with promise of payment at season's end. Each grower will likely establish multiple grows, numbering in the tens of thousands of plants, banking that at least a few gardens will remain undiscovered. Meanwhile, it is undocumented immigrants like Ricardo who are caught in the crosshairs of the federal Drug Enforcement Administration and Immigration and Customs Enforcement; the growers go untouched. As journalist David Samuels indicates, to the extent that raids on "immigrant" outdoor grows occur, these seizures actually subsidize the "white," indoor grows by decreasing competition and risk as law enforcement is diverted.

Media reports and law enforcement agencies contend this is the work of "cartels," often despite any proof or convictions. The association of Mexicans and marijuana goes back to the original "reefer madness" of the 1930s, but today finds its California expression in a new mantra: undocumented immigrants and marijuana lead to violence and guns, pollution to California's state forests (where many of the more sensational raids on "cartels" occur) and methamphetamine trafficking.

This perceived trifecta of pollution-meth-guns is effective in mobilizing liberal, middle-class angst against marijuana. Recent coverage contrasts this looming "danger" against an image of organic, indoor medical growers ("white boy grows," or "mom and pop" operations), who are the heart-and-soul of marijuana--and endangered. Even some pot advocates rail against "criminal activity" and "sleazy grow houses," exemplified by a nativist "Always Buy Colorado" campaign to encourage homegrown--not Mexican--marijuana. As decriminalization and legalization advance, it seems the categories of "good" and "bad," legal and illegal, medical and criminal may shift in important ways, while reproducing old patterns.

Reaching the crossroads

"The first thing is to get marijuana decriminalized, get people out of jail and stop arrests" says Joey Ereñeta of Oaksterdam University, a training institute for those in the medical marijuana industry. With at least five state-level legalization and taxation measures and several more medical marijuana bills on the 2010 docket, the stage is set. Holder's memo has pushed advocates into high gear while this period of reprieve from federal prosecution exists. "With more legalization and safer access," he explains, "you're going to see that consumers and patients will be the winners. The people in the industry will have to work harder to maintain themselves. The trade-off is worth it, even for growers, when you factor in your stress level from operating illegally, and the continual risk of losing your livelihood and

basic freedoms."

While Patrick agrees, he also notes that it will mean lost jobs and industrial consolidation, which is why he has established a base of three high-quality grows and is seeking municipal certification for his San Francisco distribution center. But for people without capital to invest in scaled production sites, and for workers without access to basic citizenship and labor rights, the situation requires more consideration.

Multiple legislative solutions are possible: inclusion of care receivers in government healthcare programs; inclusion of marijuana farmworkers in labor, wage, and workplace regulations; requirements for living wages and benefits, particularly as the high price of marijuana declines toward its production costs; caps on the size of marijuana production sites and horizontal integration to ensure limits to consolidation; and channeling new government revenue sources into education, healthcare and entitlements to benefit those displaced from the industry, from South Central LA to Humboldt County.

The stakes are high. A 2006 report by marijuana policy researcher Jon Gettman found that, using conservative pricing estimates, California's marijuana economy is the largest cash crop in the state-- more than grapes, vegetables and hay combined. Put another way, the largest cash crop in the world's eighth largest economy in the world is poised to enter into legal circulation.

Many are taking note. The Open Society Institute (OSI) of George Soros, the billionaire famous for building a fortune through Eastern European "emerging markets," has funded legalization efforts in the United States for quite some time. The libertarian Cato Institute, dedicated to free markets and minimal government, has its own favored legalization and medical marijuana organizations. And George Schulz, who has deep ties with Bechtel Corporation, known for its involvement in Bolivian water privatization and Iraq "reconstruction" contracts, Glenn Beck, avid opponent of government healthcare and immigration reform, and the late Milton Friedman, whose economic "shock" doctrine has served as the template for neoliberal reforms worldwide, have all enthusiastically endorsed marijuana legalization.

While the U.S. government still retains the cannabis patent, effectively barring commercial development, one corporation is preparing patents for THC-harvesting technology, likening it to the cotton gin. Since the AMA's November call for a review of cannabis' federal prohibited status and the opening of clinical research, two medical marijuana corporations have gone public.

Marijuana is already big business--fueling micro-economies stretching from Detroit to California to Guatemala and macro-economies covering military technology, border patrols and law enforcement at all levels. Legalization would necessarily shift all this. Free-market libertarians and social justice progressives have made common cause on decriminalization, but what happens after that is an open question.

Crassly put: Who gets what cut and under what circumstances? Is it a new green economy? The next conquest of Big Pharma or agribusiness? An emerging state-regulated-and-taxed wine industry? As the marijuana garden grows, its scent blossoms, and cross-pollinating swarms gather, the harvest in California and across the country promises to be a telling time.

Michael Polson is an anthropology Ph.D. student at the City University of New York. He currently teaches at Brooklyn College.